

NORTH WEST COMMUNITY COUNCIL

OCTOBER 24, 1996

PRESENT:

Councillor Robert P. Harvey, Chairman
Councillors: Barry Barnet
Reg Rankin
Jack Mitchell
Peter Kelly

STAFF MEMBERS:

Barry Allen, Municipal Solicitor
Jenifer Tsang, Planner
Sandra Shute, Assistant Municipal Clerk

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1. **INVOCATION**

The Chair called the meeting to order at 6:15 p.m. with an Invocation. The meeting was held at Brookside Junior High School, Prospect Road. It was agreed to change the order of business to allow consideration of Deferred Business and for the Public Hearing as the first items on the Agenda.

2. **CONSIDERATION OF DEFERRED BUSINESS**

2.1 **Minor Variance - MVS-19-19-96 - Lot L-19R2 - Lakeview Avenue - District 19**

Councillor Barnet explained that even though he had met with Mr. Walters and Mr. DeLessio, no conclusion had been reached.

MOVED by Councillors Barnet and Mitchell to defer a decision until November 14, 1996. MOTION PUT AND PASSED.

If there was no decision reached between the two by the next meeting of Community Council, Councillor Barnet said he would ask Community Council to make a decision.

2.2 **File DA-BED-007-96-21-CR-A - Application by Bedford Waterfront Development Corporation for Non-substantial Amendment to Waterfront Development Agreement #92-01 to Allow Temporary Rock Crushing Use, Accessory to the Breakwater/Marina Construction.**

Deferred until later in the meeting as Councillor Kelly had not yet arrived.

3. **PUBLIC HEARING**

3.1 **File No. DA-SA-03-96-19 - Application by Kevin Parsons to Enter into a Development Agreement to Permit an Auto Repair Business from the Property at 1601 Sackville Drive in Middle Sackville.**

Ms. Jenifer Tsang, Planner outlined the Staff Report dated September 25, 1996 and the fact that Planning Advisory Committee had requested two additional clauses be inserted in the Development Agreement and to which the applicant had agreed. She outlined the additional clauses recommended by North West Planning Advisory Committee which were contained in a revised Development Agreement forming part of the Staff Report.

There were no questions from Community Council members.

Speakers in Favour

Mr. Stephen Taylor said he knew the area well. It would conform with other businesses in the area and would not contravene anything else.

There were no questions from Community Council members.

Speakers in Opposition

There were no speakers against the application.

Decision by Council

Councillor Barnet stated that even though Mr. Parsons has operated his business on a part time or limited basis over the last number of years, there had been no calls or complaints about his past operation and he was sure he would not receive any complaints about his future operation should Community Council see fit to grant the Development Agreement. Mr. Parsons, in his opinion, ran a reputable business and the property was well looked after.

MOVED by Councillors Barnet and Rankin that the application by Ralph Parsons, File No. DA-SA-03-96-19, to enter into a Development Agreement with the Municipality in order to permit an auto repair business on residential property located at 1601 Sackville Drive, described in the Staff Report of September 26, 1996 and North West Planning Advisory Committee Minutes of October 2, 1996 and as shown in the draft Development Agreement presented at the Public Hearing be approved. MOTION PUT AND PASSED.

CONSIDERATION OF DEFERRED BUSINESS

File No. DA-BED-007-96-21-CR-A - Application by Bedford Waterfront Development Corporation for Non-Substantial Amendment to Waterfront Development Agreement #92-01 to Allow Temporary Rock Crushing Use, Accessory to the Breakwater/Marina Construction

Councillor Kelly, having arrived, advised that because of the need to get the project underway, he was recommending approval of the draft non-substantial amendment to Development Agreement #92-01 to permit rock crushing as a temporary use accessory to the construction of the marina/breakwater on Site 3.2 with the following changes: 1) Hours that this heavy industrial activity can take place be restricted from 8:00 a.m. to 6:00 p.m.

for a five-day-a-week operation. If there was a need to operate on Saturday, the hours would be from 9:00 a.m. to 5:00 p.m. The time frame for crushing has not yet been established; however, in the event 35 days was not sufficient, it would be up to staff to enter into further discussion.

MOVED by Councillors Kelly and Mitchell to accept the recommendations as outlined above and to approve the draft non-substantial amendment to Development Agreement #92-01, as amended above, to permit rock crushing as a temporary use accessory to the construction of the marina/breakwater on Site 3.2 at the Bedford Waterfront. MOTION PUT AND PASSED UNANIMOUSLY.

4. **APPROVAL OF MINUTES - OCTOBER 10, 1996**

MOVED by Councillors Mitchell and Barnet to approve the Minutes of meeting held on October 10, 1996 as circulated. MOTION PUT AND PASSED.

5. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Added Item: Councillor Barnet - Letter To Departments of Transportation and Tourism requesting Charles Fenerty Highway signs

Councillor Rankin - Staff Report dated October 24, 1996 re Development Program for Lucasville/Upper Hammonds Plains
Preparation of Community Council maps
Petition - Road Paving - Rising Sun Trail
Community Councils - Minimum Quorum for Public Hearings

MOVED by Councillors Barnet and Mitchell to approve the Order of Business as amended. MOTION PUT AND PASSED.

6. **BUSINESS ARISING OUT OF THE MINUTES** - None

7. **MOTIONS OF RECONSIDERATION** - None

8. **MOTIONS OF RESCISSION** - None

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS** - None

10. **REPORTS**

10.1 Development Program for Lucasville/Upper Hammonds Plains

MOVED by Councillors Rankin and Mitchell that Community Council accept the recommendations contained in the Staff Report dated October 24, 1996 relating to Fire Services and Recreation and Leisure Services. MOTION PUT AND PASSED.

Councillor Rankin added he was pleased that Upper Hammonds Plains and Hammonds Plains would be moving to greater cooperation of resources and staff training. As well, he was pleased to see the contribution coming from the Sackville community regarding Recreation and Leisure Services. He was appreciative of the report and was sure the community of Lucasville/Upper Hammonds Plains would receive the report in a like manner.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Preparation of Community Council Maps

Referring to the fact that Harbour East Community Council prepared an attractive map identifying their coverage area, Councillor Rankin stated that a similar map for the North West area could be suitable for certain applications in the community, such as Storefronts.

MOVED by Councillors Rankin and Barnet to request that maps be prepared for the North West region which could be placed in the Storefronts, Councillor Offices and other suitable locations. MOTION PUT AND PASSED.

12.2 Petition for Road Paving - Rising Sun Trail

MOVED by Councillors Rankin and Kelly to receive the Petition prepared by the residents of Rising Sun Trail, Highland Park and to forward the Petition to Department of Transportation with the highest priority possible for the 1997/98 fiscal year. MOTION PUT AND PASSED.

It was agreed that copies of the letter to Department of Transportation would be sent to Bruce Holland, MLA and to Janet MacKay, a resident of Rising Sun Trail.

12.3 Community Councils - Minimum Quorum for Public Hearings

Councillor Rankin referred to the small number of members of the Community Councils formed for the Eastern Shore and Halifax Peninsula - three members - and expressed concern as to what decision they would be making relative to a quorum for Public

Hearings. He explained that his concern was the fact that all Public Hearings were subject to appeal and, if it goes to Court, in the absence of a minimum quorum of three, the Court could speak derisively of having two adjudicate and might take objection to the democratic outcome, or lack of. He was asking that this Community Council, because it was experienced, anticipate the problem and recommend kindly advice that those Community Councils should ensure there is three to make a decision insofar as Public Hearings are concerned. He went on to suggest that as Regional Council would oversee the conduct of hearings, ultimately Regional Council would have to accept the consequences and he was hoping to obviate difficulties in future. He questioned what would happen if only two members attended a Public Hearing with a mover and seconder, one of which would be the Chair. Even if an application was successful, he submitted there would be other people on the other side and he was concerned there might not be fair debate with just two Councillors.

Councillor Kelly suggested that the Legal Department should be asked to assess and review the question as he agreed it could pose a problem. If Legal Department did not have a problem, then it was up to the individual Community Council to determine their own mechanism.

Councillor Rankin added that he found the situation personally objectionable. If he had an application - one side or the other - and there were only two Councillors in attendance, how could there be real debate. In his opinion, this was a generic question and has to do with the integrity of the process. He did not mind obtaining a legal opinion, however. Based on experience with Community Councils, he was making the observations that the community has to be seen to be served in a democratic way.

Councillor Barnet suggested that this was something that should be considered by Regional Council.

MOVED by Councillors Rankin and Kelly to seek a legal opinion, that the legal opinion be shared with Regional Council and that the issue be dealt with at Regional Council. MOTION PUT AND PASSED.

12.4 Proposed Charles Fenerty Highway Signs

Explaining that there has been a movement in the community of Sackville to heighten the awareness of the achievements of Charles Fenerty, who invented a process of turning pulp into paper and was from the Upper Sackville area, Councillor Barnet said there was a suggestion that the entrances to Sackville could indicate "the birthplace of Charles Fenerty - the inventor of modern-day paper" or something of this nature. There had previously been a suggestion that the new Library at Acadia School, or a room in the Library, be named for Charles Fenerty.

MOVED by Councillors Barnet and Kelly that a letter be sent to the Minister of Transportation as well as the Minister responsible for Tourism in support of the idea of naming the entrances to Sackville after Charles Fenerty and encourage them to take steps as quickly as possible. MOTION PUT AND PASSED.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Walter Regan, Sackville Rivers Association raised the following points:

- He suggested the new sports facility in Upper Sackville could be named after Charles Fenerty. In reply, Councillor Barnet advised that a number of options have been discussed as far as raising the awareness of Mr. Fenerty was concerned. The prior suggestion to name the large community room in the new Library was going forward to the Library Board next week. As far as naming the new sports facility after Mr. Fenerty was concerned, the property had been purchased from the Weir family and, as part of the purchase and sale agreement, a component of the facility would be named after the late Mr. Weir.
- He asked if there would be any community money available to help with the Sackville River walkway, particularly behind the Lions Club in the vicinity of the Superstore. He cited instances where money had been made available in other areas for similar purposes. Councillor Harvey suggested that Mr. Regan should forward specific details regarding his proposal as he felt it was a legitimate request.

Mr. Wayne MacPhee raised the following points:

- He asked if there was an operating budget for North West Community Council. In reply, the Clerk stated there was no budget. Further, Councillor Harvey advised there was no additional stipend paid to Councillors to serve on a Community Council.
- He referred to his previous comments regarding the need for an independent Auditor General. Community Council members agreed there was a need and it was expected that this matter would be referred to the Audit Committee. Mr. MacPhee asked if HRM had the mandate to have an Auditor General. Following discussion, the Chair stated he felt it was within the mandate to choose to have such an audit done.

MOVED by Councillors Kelly and Mitchell to move to Regional Council for debate and discussion or referral to the Audit Committee and that a report be provided to Community Council. MOTION PUT AND PASSED.

Mr. Stephen Taylor stated that he had attended budget deliberations and referred to \$1.7 million which was missing and asked if it had even been found. When staff was doing line items, the Manager of Building Services advised there was a total combined yearly rental income for the four municipalities; however, after amalgamation, there was \$1.7 million missing and staff did not have enough time, at that time, to find it. He asked for clarification.

MOVED by Councillors Barnet and Mitchell to follow up with the Commissioner of Community Services for clarification. MOTION PUT AND PASSED.

Mr. Walter Regan, Sackville Rivers Association raised the following further points:

- He asked if there was any movement on a third Councillor for Sackville. In reply, he was told no.
- He asked if there was any meeting scheduled with Mr. Smith regarding Second Lake Provincial Park, to which he was told no.
- He asked the status of dumping along Stokil Drive. In reply, Councillor Barnet advised that staff has corresponded with the property owner and asked them to clean up but this has not been done. He was hoping that in the near future staff would be in a position to have the work done and charge back to the property owner.
- He asked for an update regarding the construction of a sidewalk to hook up with the present one on Millwood Drive. In reply, Councillor Barnet advised the only sidewalk project approved for District 19 this year was for the section along Beaverbank Road from Glendale Drive to Stokil Drive. It was his position that the more heavily travelled arteries have sidewalks first.
- He asked for an update on signage for the Little Sackville River. In response, Councillor Barnet stated he had not put the request forward and explained that he felt there were so many issues that Transportation people were dealing with and there was a deficit of road maintenance and repairs that he was reluctant, at this point, to add this request to their agenda. Staff had been working non-stop to correct some substantial road/sidewalk/walkway problems and he thought it would be unreasonable to add this request at this time.

Mr. Wayne MacPhee raised the following further points:

- He asked if there had been a change with regard to the operating budget for the Sports Stadium, Fire Department covered by an area rate. In reply, the Chair advised that the same area rate as last year was being collected this year into a common pot and expenses were being paid out of it. It was not so closely tied to a specific service.
- He asked what was the recovery rate for the Sport Stadium to which the Chair replied it would be the same as last year as the funding by the area rate remains the same. He pointed out that next month Regional Council begins discussions on tax structure for 1997-98.

Mr. Stephen Taylor referred to sidewalks in Millwood particularly across from the co-op housing and said he understood that Armoyan Group was supposed to replace them but it has not been done. Councillor Barnet replied he understood that sidewalks would not be constructed until after construction was completed and, now that construction is complete, he has asked staff to take immediate action to ensure that this is done.

The Chair recognized eight people in the back of the room and asked if they had any concerns. In reply, a spokesman advised that they were planning students from TUNS observing the process of a Public Hearing. The Chair provided, for the benefit of the students, a history of Community Councils in the former Halifax County and answered some general questions.

Mr. Walter Regan, by invitation of the Chair, raised the following points:

- He asked for an update on a concern he had raised previously re illegal garbage dumping in the Tomahawk Lake and 101 service road areas. People were dumping construction debris and old furniture off Pockwock Road. In response, Councillor Barnet provided information on what was being done to alleviate problems in the 101 access road area but was not aware of problems regarding Tomahawk Lake. He added that with regard to the concern raised previously with First Lake, this has been dealt with.
- He pointed out that with regard to illegal dumping, Sackville did not have a transfer station. As Councillors Rankin, Barnet and Mitchell served on the Solid Waste Advisory Committee, it was agreed that they would refer the matter to that committee for comment.
- He asked for an update with regard to additional garbage cans for Sackville.

MOVED by Councillors Barnet and Kelly that Regional Operations be requested to take action on this matter since it was understood that additional garbage cans were included in the budget for Regional Operations. MOTION PUT AND PASSED.

- As funding for Sackville Rivers Association would run out soon, they were in desperate need of office space. He asked if there was any office space becoming available in the Bedford/Sackville area in the near future. It was agreed to forward the request to the Manager of Facilities.
- He asked that staff be requested to provide information on the number of dams that HRM was in control of and how many had fish passage up and down the stream. It was agreed to direct the inquiry to the appropriate staff.

**15. NEXT MEETING - Thursday, November 14, 1996
Acadia School, Lower Sackville**

Councillor Rankin stated that a Staff Report was expected to be before Community Council at the next meeting regarding the quarry operation in Hammonds Plains. He hoped that Community Council would agree to have some Public Participation on this item prior to deliberations on the Staff Report. He pointed out that there would not be a Public Hearing but he was requesting the opportunity for public input as part of the regular agenda. The issues were not new but there was an extension requested by the applicant.

It was agreed not to entertain unlimited discussion and to limit Public Participation on this item to 30 minutes.

16. ADJOURNMENT

Meeting adjourned at 7:35 p.m.

Vi Carmichael
Municipal Clerk